IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/06/2004

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN
AND
THE HONOURABLE MR.JUSTICE N.KANNADASAN

H.C.P.No.245 of 2004

M.Veerappan ... Petitioner

-Vs-

1.State of Tamil Nadu rep.by
its Secretary, Public (SC)
Department, Fort St.George
Chennai-600 009.

2.Union of India, rep.by
Secretary to Government
Ministry of Finance
Department of Revenue, New Delhi. ... Respondents

Prayer: Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Habeas Corpus calling for the records of the first respondent connected with order in G.O.No.SR.1/1550-4 /2003 dated 10.12.2003, quash the same and set at liberty the detenu V.Murugan, son of M.Veerappan, now detained in Central Prison, Chennai under the provisions of Foreign Exchange and Prevention of Smuggling Actitivies Act.

!For Petitioner : Mr.R.Loganathan

^For Respondent No.1 : Mr.Abudu Kumar Rajarathinam
Additional Government Pleader

Respondent No.2 : Mrs.Vanathi Srinivasan

:O R D E R
(Order of the Court was made by P.D.DINAKARAN, J.)

The petitioner's son by name Murugan is the detenu, who had been incarcerated by the order of detention dated 10.12.2003 passed by the first respondent herein, under Section 3(1)(i) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of

1974).

2. Pending the above writ petition, the Government by G.O.Ms.No.289, 26.3.2004, revoked the order of detention and the said Government Order reads as follows:-

PROHIBITION AND EXCISE (XI) DEPARTMENT
G.O.Ms.No.589 Dated:26/3/2004
Read:

1) G.O.No.SR.1/1550-4/2003, Public (SC) Department dated 10.12.2003.
2) From the Chairman, State Advisory Board (COFEPOSA), Chennai, report and opinion dated

22.03.2004.

ORDER:

According to Section 8(b) of the COFEPOSA Act, 1974 the grounds of detention of Thiru V.Murugan, the enclosures attached to the grounds of detention, the representation of the detenu dated 13.02.2004 sent to the Government through the Superintendent, Central Prison, Chennai and the representation of the detenu's father dated 15.02.2004 were placed before the State Advisory Board (COFEPOSA).

2. The State Advisory Board (COFEPOSA) after considering the grounds of detention served on the COFEPOSA detenu, the enclosures attached to the grounds of detention, the representation of the detenu dated 13.02.2004 and the representation of the detenu's father dated 15.02.2004 sent by the Government and the oral representation of the detenu as well as his father Thiru M.Veerappan at the time of personal hearing before the State Advisory Board (COFEPOSA) on 16.03.2004 and all the other connected records, has expressed its unanimous opinion that there is no ground for the detention Thiru V.Murugan.

3. Therefore, in accordance with the provisions contained in clause (f) of Section 8 read with sub-section (1) of Section 11 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), the Governor of Tamil Nadu hereby revokes the order of detention made in the Government order first read above against Thiru V.Murugan and directs that the said Thiru V. Murugan be released forthwith from detention under the said Act unless he has been detained under any other law or is serving any sentence having been convicted by any Court."

3. In that view of the matter, the writ petition is dismissed as infructuous.

KST.

To

1.The Secretary, Public (SC)
Department, Fort St.George
Chennai-600 009.

2.The Secretary to Government
Ministry of Finance
Department of Revenue, New Delhi.

3.The Public Prosecutor,
High Court, Chennai-104.